

LABOR SERVICES DIVISION[875]

Adopted and Filed

Rule making related to occupational safety and health

The Labor Commissioner hereby amends Chapter 3, “Posting, Inspections, Citations and Proposed Penalties,” and Chapter 4, “Recording and Reporting Occupational Injuries and Illnesses,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 88.5 and 88.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 88.

Purpose and Summary

Iowa’s occupational safety and health program is required to be at least as effective as the federal occupational safety and health program. Item 1 aligns Iowa’s penalties for occupational safety and health citations with the corresponding federal penalties by making an annual cost-of-living adjustment. Item 2 adopts by reference a recent change rescinding a federal requirement for larger employers to make electronic reports of injuries and illnesses.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 27, 2019, as **ARC 4318C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Labor Commissioner on April 4, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on May 29, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 3.11(1) as follows:

3.11(1) The civil penalties proposed by the labor commissioner on or after ~~June 30, 2018~~ May 29, 2019, are as follows:

a. Willful violation. The penalty for each willful violation under Iowa Code section 88.14(1) shall not be less than ~~\$9,239~~ \$9,472 and shall not exceed ~~\$129,336~~ \$132,598.

b. Repeated violation. The penalty for each repeated violation under Iowa Code section 88.14(1) shall not exceed ~~\$129,336~~ \$132,598.

c. Serious violation. The penalty for each serious violation under Iowa Code section 88.14(2) shall not exceed ~~\$12,934~~ \$13,260.

d. Other-than-serious violation. The penalty for each other-than-serious violation under Iowa Code section 88.14(3) shall not exceed ~~\$12,934~~ \$13,260.

e. Failure to correct violation. The penalty for failure to correct a violation under Iowa Code section 88.14(4) shall not exceed ~~\$12,934~~ \$13,260 per day.

ITEM 2. Adopt the following new paragraph **4.3(1)“h”**:

h. 84 Fed. Reg. 405 (January 25, 2019)

[Filed 4/4/19, effective 5/29/19]

[Published 4/24/19]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/24/19.